

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

(1) JOHN CALVIN BEASLEY)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-19-86-SLP
)	
(2) SWIFT TRANSPORTATION CO.)	
OF ARIZONA, INC.)	
(3) IBRAHIM MAMO,)	
(4) MOHAVE TRANSPORTATION)	
INSURANCE COMPANY,)	
)	
Defendants.)	

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE
PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, Pursuant to 28 U.S.C. §1441, Defendants Swift Transportation Co. of Arizona, LLC, improperly named in Plaintiff's Petition as Swift Transportation Co. of Arizona, Inc. (hereinafter "Defendant Swift"), Ibrahim Mamo (hereinafter "Defendant Mamo"), and Mohave Transportation Insurance Company (hereinafter "Defendant Mohave"), hereby remove this action from the District Court of Canadian County, State of Oklahoma, to the Federal District Court in the Western District of Oklahoma pursuant to 28 U.S. § 1332, 1441(a), and 1446. As grounds for removal, Defendants respectfully inform the Court of the following:

PROCEDURAL REQUIREMENTS

1. Pursuant to 28 U.S.C. § 1446(d), these Defendants will serve written notice of the filing of this Notice of Removal upon Plaintiff and will file a copy of the Notice of Removal with the Clerk of the District Court in and for Canadian County, State of Oklahoma.

2. Pursuant to LCvR 81.2, a copy of the State Court Action docket sheet and all documents filed in the State Court Action are attached as Exhibits 1-4. (See Ex. 1 – Canadian County Court Docket Sheet; Ex. 2 – Plaintiffs’ Petition; and Exhibit 3 Summons, and Exhibit 4 – Plaintiff Counsel’s Entry of Appearance.) There is no Scheduling Order in the State Court Action. There are no pending motions or discovery requests.

BACKGROUND INFORMATION

3. On August 13, 2018, Plaintiff filed his Petition in the District Court of Canadian County, State of Oklahoma, with the case caption *John Calvin Beasley vs. Swift Transportation Company of Arizona, Inc., Ibrahim Mamo, and Mohave Transportation Company*, Case No. CJ-2018-466 (“state court action.”) See Exhibit 2, Plaintiffs’ Petition.

4. Plaintiff seeks damages in excess of \$75,000. *Id.*

5. The subject lawsuit involves a motor vehicle collision that occurred on December 1, 2017, near the intersection of West Reno Avenue and South Morgan Road, City of Oklahoma City, Canadian County, State of Oklahoma. *Id.*

6. Upon information and belief Plaintiff is a resident of Canadian County, Oklahoma. *Id.*

7. Defendant Ibrahim Mamo is a resident of the state of Kentucky. *Id.*

8. Defendant Swift is a foreign corporation incorporated in the state of Arizona with its principal place of business in the state of Arizona. *Id.*

9. Defendant Mamo was served with a Summons and a copy of the Petition on January 11, 2019.

10. Defendant Mohave was served with a Summons and a copy of the Petition on January 14, 2019.

11. Defendant Swift was served with a Summons and a copy of the Petition on January 29, 2019.

JURISDICTION

12. This Court has removal jurisdiction over this lawsuit pursuant to 28 U.S. §§ 1441 and 1446 and based on diversity of citizenship between the Plaintiff and Defendants under 28 U.S.C. § 1332 and as alleged above.

13. Upon information and belief, as derived from Plaintiff's Petition, Plaintiff seeks an amount in excess of this Court's jurisdictional minimum of \$75,000.00, excluding interest and costs stated in 28 U.S.C. § 1332. See Exhibit 2.

14. Further, this Notice of Removal is timely filed with this Court, pursuant to 28 U.S.C. § 1446(b) and the Federal Courts Jurisdiction and Venue Clarification Act of 2011 ("JVCA"), because thirty (30) days since the last Defendant was served has not elapsed.

15. Additionally, pursuant to the same Federal Statute, one year has not elapsed since the commencement of this action.

16. Removal is being made to the proper Federal District Court. The pertinent language of 28 U.S.C. § 1446(a) provides that the Defendant shall file the Notice of Removal in “[T]he District Court of the United States for the district and division within which such action is pending.” 28 U.S.C. § 1446(a). This matter is being removed from the District Court of Canadian County, State of Oklahoma, a county within the confines of the Western District of Oklahoma. *See* 28 U.S.C. § 116(a).

17. Based on the above referenced statements and allegations removal of this matter to this Court is proper.

CONCLUSION

This case is proper for removal to this Court based upon diversity of citizenship. Plaintiff is a citizen of Canadian County, State of Oklahoma and all Defendants joined in this lawsuit have citizenship outside the state of Oklahoma. The amount of damages Plaintiff seeks exceeds the amount in controversy threshold. This Notice of Removal is timely filed. Therefore, all requirements for jurisdiction in this Court are satisfied.

Respectfully Submitted,

s/ Robert P. Coffey, Jr. _____

Robert P. Coffey, Jr., OBA # 14628

Nicholaus A. Hancock, OBA #31576

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of January 2019, I electronically transmitted the foregoing/attached document to the Clerk of Court using the ECF System for filing. Counsel for Defendant further caused the foregoing/attached pleading to be served upon all counsel of record via U.S. Mail, postage prepaid, to:

M. Blake Yaffe

D. Eliot Yaffe

S. Alex Yaffe

Eric J. Cavett

s/ Robert P. Coffey, Jr. _____